v. *Bacon* (1909), 243 Ill. 313, (affirmed 227 U. S. 504), 44 L. R. A. (N. S.) 586; separating oil, *General Oil Co.* v. *Crain* (1908), 209 U. S. 211; to allow carload shipments, *Merchants' Trans. Co.* v. *Des Moines* (1905), 128 Ia. 732. There was nothing in the instant case to divest it of its interstate character. The suggestion that the construction adhered to would make evasion of the law easy was rejected on the ground that a different holding would be "an enactment by construction of a new and different statute". That the Reed Amendment is a proper exercise by Congress of its power over interstate commerce see 17 MICH. LAW REV. 511.

INTOXICATING LIQUOR—RIGHT OF STATE TO PROHIBIT POSSESSION THEREOF. —The Georgia prohibitory law, approved in November, 1916, to become effective May 1, 1917, prohibited the possession of more than one gallon of intoxicating liquor. Under it the defendant was convicted of having in his possession more than the forbidden quantity. He asserted that the liquor had been acquired before May 1, 1917; and contended that the statute, if construed to apply to liquor so acquired, was void under the Fourteenth Amendment. It was *held* that the defendant could not stay the exercise of the State's police power by acquiring such property, and that the defendant, acquiring it after the enactment of the statute, took it with notice of its infirmity that its possession would become a crime. *Barbour* v. *The State* (U. S. Sup. Ct. No. 191, April 14, 1919), affirming *Barbour* v. *The State* (1917), 146 Ga. 667.

The majority of the early cases denied the right of the state to prohibit the mere possession of liquor for personal use as violating the Fourteenth Amendment. *Kentucky* v. *Campbell* (1909), 133 Ky. 50, 24 L. R. A. (N. S.) 172 and note; *Kentucky* v. *Smith* (1915), 163 Ky. 227, L. R. A. 1915 D 172. These cases considered that to deny the right of a person to possess liquor was not reasonably necessary to protect the public health, public morals, or public safety, and, consequently, an improper exercise of the police power and the abridgement of the privileges and immunities. At this time the purpose of prohibition was said to be the abolition of the saloon and the prevention of general traffic therein, not the prevention of consumption. FREUND, POLICE POWER, Sec. 453, 454. In *Crane* v. *Campbell* (1917), 245 U. S. 304, the Supreme Court of the United States settled the question, upholding the right of a state to prohibit possession of liquor, but it did not there appear when the liquor was acquired. These decisions leave open the question of the right of the state to make the mere possession of liquor acquired before the enactment of the statute a crime. As in the instant case, the court previously held that this question was not before it. *Bartermeyer* v. *Iowa* (1873), 18 Wall. 129. In the state courts there is a conflict. In the early case of *Wynehamer* v. *The People* (1856), 13 N. Y. Rep. (Kernan) 378, a statute prohibiting traffic in intoxicating liquors was held void for the reason that the law operated so rigidly on property innocently acquired under previous laws as to amount to depriving the owner of his property. In Washington a prohibitory law primarily purposing to prevent the sale and barter of intoxicating liquors, though also making possession thereof unlawful, was held not to apply to liquor acquired and possessed for personal use before the statute

was enacted. *Washington* v. *Eden* (1916), 92 Wash. 1. In Utah a very stringent statute made the possession of liquor unlawful and further abolished all property rights therein. This statute was held constitutional. *Utah* v. *Meek* (1918) — Utah —, L. R. A. 1918 E, 943. The court said that the tendency of modern legislation, and the purpose of the act, was against the consumption of liquor; and, if the legislature deemed it necessary to enforce the statute they were not going beyond their powers, citing *Mugler* v. *Kansas* (1887), 123 U. S. 623, and the *Crane case, supra.* It is submitted that the view taken by the Utah Court is the correct one. If the legislature think it an administrative necessity to the proper enforcement of and the prevention of evasion of the prohibitory laws now designed to protect the community against the evils attending the excessive consumption of liquor, it is constitutionally within their power to destroy property rights in liquor and make possession thereof a crime. Such extreme steps probably would not have been countenanced when the view pertained that the best government was that which governed least, but to-day the tendency is toward regulation. The Supreme Court has upheld a law forbidding possession of game during the closed season, though the game in question had been imported from Russia, on the ground that without such prohibition or restriction any law for the protection of domestic game could successfully be evaded. *Silz* v. *Hesterberg* (1906), 211 U. S. 31.

LOGS AND LOGGING—CONTRACT FOR SALE OF STANDING TIMBER WITH DEFINITE TIME FOR REMOVAL.—Plaintiff was the owner of timber under a deed, but failed to remove the same within the time specified therein. Defendant in possession of the land was sued for conversion of the timber. *Held,* that plaintiff remained entitled after the expiration of the time limit but having lost his right to immediate possession at the moment of conversion, the action could not be maintained. *Long et al.* v. *Nadawah Lumber Company* (Ala., 1918), 81 So. 25.

The question of the rights of parties under so-called "timber contracts" after the lapse of a reasonable or stipulated time for removal has resulted in an abundance of conflicting decisions. The general theory controlling is indicated in the case of *Green* v. *Bennett,* 23 Mich. 464, where the court concluded that if the instrument purports to make an absolute conveyance, provision for removal within a certain time is a covenant and title remains in the vendee, who may sue the vendor if the latter converts the trees; but where the provision is a condition, the title revests on breach. Some difficulty may be experienced in determining whether or not the provision was intended to operate as a condition or a covenant. Having once determined this, the courts are generally agreed that if the covenant be conditional, title will revert. The difficulty arises where there is a prima facie conveyance in fee. Alabama, as held in the instant case, is committed to the position there taken as regards the disposition of the title. *Ward* v. *Moore,* 180 Ala. 403; *Goodson* v. *Stewart,* 46 So. 239; *Magnetic Oil Co.* v. *Marbury Lumber Co.,* 104 Ala. 465. Other jurisdictions in accord with this principle are, New Jersey, *Irons* v. *Webb,* 41 N. J. Law 203; Indiana, *Halstead* v. *Jessup,* 150 Ind. 85.